

sions set out as notes under this section and section 271 of this title] are—

“(A) to strengthen the Advanced Technology Program created under section 28 of the National Institute of Standards and Technology Act (15 U.S.C. 278n), and to provide improved guidelines for the allocation of Advanced Technology Program funds appropriated under the authorizations contained in section 105 of this Act [amending sections 278k and 4632 of this title and provisions set out as a note under section 278l of this title];

“(B) to promote and assist in the development of advanced technologies and the generic application of such technologies to civilian products, processes, and services;

“(C) to improve the competitive position of United States industry by supporting industry-led research and development projects in areas of emerging technology which have substantial potential to advance the economic well-being and national security of the United States, such as high-resolution information systems, advanced manufacturing technology, and advanced materials; and

“(D) to support projects that range from idea exploration to prototype development and address long-term, high-risk areas of technological research, development, and application that are not otherwise being adequately developed by the private sector, but are likely to yield important benefits to the Nation.”

COMPREHENSIVE REPORT ON ADVANCED TECHNOLOGY PROGRAM

Section 201(f) of Pub. L. 102-245 provided that: “The Secretary shall, not later than 4 years after the date of enactment of this Act [Feb. 14, 1992], submit to each House of the Congress and the President a comprehensive report on the results of the Advanced Technology Program established under section 28 of the National Institute of Standards and Technology Act (15 U.S.C. 278n), including any activities in the areas of high-resolution information systems, advanced manufacturing technology, and advanced materials.”

NATIONAL ACADEMIES OF SCIENCES AND ENGINEERING STUDY OF GOVERNMENT-INDUSTRY COOPERATION IN CIVILIAN TECHNOLOGY

Section 5131(c) of Pub. L. 100-418 provided that:

“(1) Within 90 days after the date of enactment of this Act [Aug. 23, 1988], the Secretary of Commerce shall enter into contracts with the National Academies of Sciences and Engineering for a thorough review of the various types of arrangements under which the private sector in the United States and the Federal Government cooperate in civilian research and technology transfer, including activities to create or apply generic, nonproprietary technologies. The purpose of the review is to provide the Secretary and Congress with objective information regarding the uses, strengths, and limitations of the various types of cooperative technology arrangements that have been used in the United States. The review is to provide both an analysis of the ways in which these arrangements can help improve the technological performance and international competitiveness of United States industry, and also to provide the Academies’ recommendations regarding ways to improve the effectiveness and efficiency of these types of cooperative arrangements. A special emphasis shall be placed on discussions of these subjects among industry leaders, labor leaders, and officials of the executive branch and Congress. The Secretary is authorized to seek and accept funding for this study from both Federal agencies and private industry.

“(2) The members of the review panel shall be drawn from among industry and labor leaders, entrepreneurs, former government officials with great experience in civilian research and technology, and scientific and technical experts, including experts with experience with Federal laboratories.

“(3) The review shall analyze the strengths and weaknesses of different types of Federal-industry coopera-

tive arrangements in civilian technology, including but not limited to—

“(A) Federal programs which provide technical services and information to United States companies;

“(B) cooperation between Federal laboratories and United States companies, including activities under the Technology Share Program created by Executive Order 12591 [15 U.S.C. 3710 note];

“(C) Federal research and technology transfer arrangements with selected business sectors;

“(D) Federal encouragement of, and assistance to, private joint research and development ventures; and

“(E) such other mechanisms of Federal-industry cooperation as may be identified by the Secretary.

“(4) A report based on the findings and recommendations of the review panel shall be submitted to the Secretary, the President, and Congress within 18 months after the Secretary signs the contracts with the National Academies of Sciences and Engineering.”

§ 278o. User fees

The Institute shall not implement a policy of charging fees with respect to the use of Institute research facilities by research associates in the absence of express statutory authority to charge such fees.

(Mar. 3, 1901, ch. 872, §30, as added Pub. L. 100-418, title V, §5161, Aug. 23, 1988, 102 Stat. 1450.)

§ 278p. Notice to Congress

(a) Notice of reprogramming

If any funds authorized for carrying out this chapter are subject to a reprogramming action that requires notice to be provided to the Appropriations Committees of the House of Representatives and the Senate, notice of such action shall concurrently be provided to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(b) Notice of reorganization

(1) Requirement

The Secretary shall provide notice to the Committees on Science and Appropriations of the House of Representatives, and the Committees on Commerce, Science, and Transportation and Appropriations of the Senate, not later than 15 days before any major reorganization of any program, project, or activity of the Institute.

(2) “Major reorganization” defined

For purposes of this subsection, the term “major reorganization” means any reorganization of the Institute that involves the reassignment of more than 25 percent of the employees of the Institute.

(Mar. 3, 1901, ch. 872, §31, as added Pub. L. 105-309, §4(b), Oct. 30, 1998, 112 Stat. 2935.)

§ 278q. Appropriations; availability

Appropriations to carry out the provisions of this chapter may remain available for obligation and expenditure for such period or periods as may be specified in the Acts making such appropriations.

(Mar. 3, 1901, ch. 872, §32, formerly §18, as added Pub. L. 92-317, §3(a), June 22, 1972, 86 Stat. 235; amended Pub. L. 95-322, §2(b), July 21, 1978, 92

Stat. 395; Pub. L. 96-461, §10, Oct. 15, 1980, 94 Stat. 2052; renumbered §19, Pub. L. 99-574, §6(a), Oct. 28, 1986, 100 Stat. 3237; renumbered §20, Pub. L. 99-574, §8(a), Oct. 28, 1986, 100 Stat. 3238; renumbered §22, Pub. L. 100-235, §3(2), Jan. 8, 1988, 101 Stat. 1724; renumbered §32, Pub. L. 107-305, §8(a)(1), Nov. 27, 2002, 116 Stat. 2375.)

CODIFICATION

Section was formerly classified to section 278h of this title prior to renumbering by Pub. L. 107-305.

Another section 32 of act Mar. 3, 1901, ch. 872, is set out as a Short Title note under section 271 of this title.

AMENDMENTS

1980—Pub. L. 96-461 substituted “Appropriations” for “(a) Appropriations” and struck out subsec. (b) which authorized appropriations to carry out provisions of this chapter, including the Working Capital Fund referred to in section 278b(a) of this title, but excluding section 278f of this title, of such sums as may be necessary for each of the fiscal years 1979 and 1980.

1978—Pub. L. 95-322 designated existing provisions as subsec. (a) and added subsec. (b).

§ 279. Absence of Director

In the case of the absence of the Director of the National Institute of Standards and Technology the Secretary of Commerce may designate some officer of said Institute to perform the duties of the director during his absence.

(Mar. 4, 1911, ch. 237, §1, 36 Stat. 1231; Mar. 4, 1913, ch. 141, §1, 37 Stat. 736; Pub. L. 100-418, title V, §5115(c), Aug. 23, 1988, 102 Stat. 1433.)

CODIFICATION

Section was not enacted as part of the National Institute of Standards and Technology Act which comprises this chapter.

AMENDMENTS

1988—Pub. L. 100-418 substituted “National Institute of Standards and Technology” for “Bureau of Standards” and “Institute” for “bureau”.

CHANGE OF NAME

Act Mar. 4, 1913, substituted “Secretary of Commerce” for “Secretary of Commerce and Labor”.

§§ 280, 281. Repealed. Pub. L. 100-418, title V, §5113, Aug. 23, 1988, 102 Stat. 1432

Section 280, acts July 16, 1914, ch. 141, §1, 38 Stat. 502; 1978 Reorg. Plan No. 2, §102, 43 F.R. 36037, 92 Stat. 3783, related to promotion of apprentices in National Bureau of Standards.

Section 281, acts Mar. 4, 1913, ch. 150, §1, 37 Stat. 945; 1967 Reorg. Plan No. 3, §401, eff. Aug. 11, 1967, 32 F.R. 11669, 81 Stat. 948; Dec. 24, 1973, Pub. L. 93-198, title IV, §421, title VII, §711, 87 Stat. 789, 818, related to testing of building and other structural materials for District of Columbia.

§ 281a. Structural failures

The National Institute of Standards and Technology, on its own initiative but only after consultation with local authorities, may initiate and conduct investigations to determine the causes of structural failures in structures which are used or occupied by the general public. No part of any report resulting from such investigation, or from an investigation under the National Construction Safety Team Act [15 U.S.C. 7301 et seq.], shall be admitted as evidence or

used in any suit or action for damages arising out of any matter mentioned in such report.

(Pub. L. 99-73, §7, July 29, 1985, 99 Stat. 173; Pub. L. 100-418, title V, §5115(c), Aug. 23, 1988, 102 Stat. 1433; Pub. L. 107-231, §13, Oct. 1, 2002, 116 Stat. 1476.)

REFERENCES IN TEXT

The National Construction Safety Team Act, referred to in text, is Pub. L. 107-231, Oct. 1, 2002, 116 Stat. 1471, as amended, which is classified generally to chapter 99 [§7301 et seq.] of this title. For complete classification of this Act to the Code, see Short Title note set out under section 7301 of this title and Tables.

CODIFICATION

Section was not enacted as part of the National Institute of Standards and Technology Act which comprises this chapter.

AMENDMENTS

2002—Pub. L. 107-231 inserted “, or from an investigation under the National Construction Safety Team Act,” after “from such investigation”.

1988—Pub. L. 100-418 substituted “National Institute of Standards and Technology” for “National Bureau of Standards”.

§ 282. Repealed. Pub. L. 100-418, title V, §5113, Aug. 23, 1988, 102 Stat. 1432

Section, act May 14, 1930, ch. 275, §1, 46 Stat. 327, related to establishment and purpose of a national hydraulic laboratory and studies of Federal and State projects related thereto.

§ 282a. Assessment of emerging technologies requiring research in metrology

The Board of Assessment of the National Institute of Standards and Technology shall include, as part of its annual review, an assessment of emerging technologies which are expected to require research in metrology to keep the Institute abreast of its mission, including process and quality control, engineering databases, advanced materials, electronics and fiber optics, bioprocess engineering, and advanced computing concepts. Such review shall include estimates of the cost of the required effort, required staffing levels, appropriate interaction with industry, including technology transfer, and the period over which the research will be required.

(Pub. L. 100-418, title V, §5163(a), Aug. 23, 1988, 102 Stat. 1450.)

CODIFICATION

Section is comprised of section 5163(a) of Pub. L. 100-418. Section 5163(b)-(d) of Pub. L. 100-418 enacted provisions set out as a note under section 272 of this title, amended section 3710 of this title, and enacted section 1533 of this title, respectively.

Section was not enacted as part of the National Institute of Standards and Technology Act which comprises this chapter.

PRIOR PROVISIONS

A prior section 282a, Pub. L. 99-574, §7, Oct. 28, 1986, 100 Stat. 3237, consisted of provisions substantially identical to this section.

§ 283. Repealed. Pub. L. 89-554, §8(a), Sept. 6, 1966, 80 Stat. 655, 656

Section, acts July 20, 1949, ch. 354, title III, §301, 63 Stat. 468; Sept. 6, 1950, ch. 896, ch. III, title III, §301, 64